

# RESOLUTION

OF

THE LEGISLATURE OF GEORGIA,

ON THE SUBJECT OF

## MILITIA CLAIMS.

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JANUARY 3, 1827.

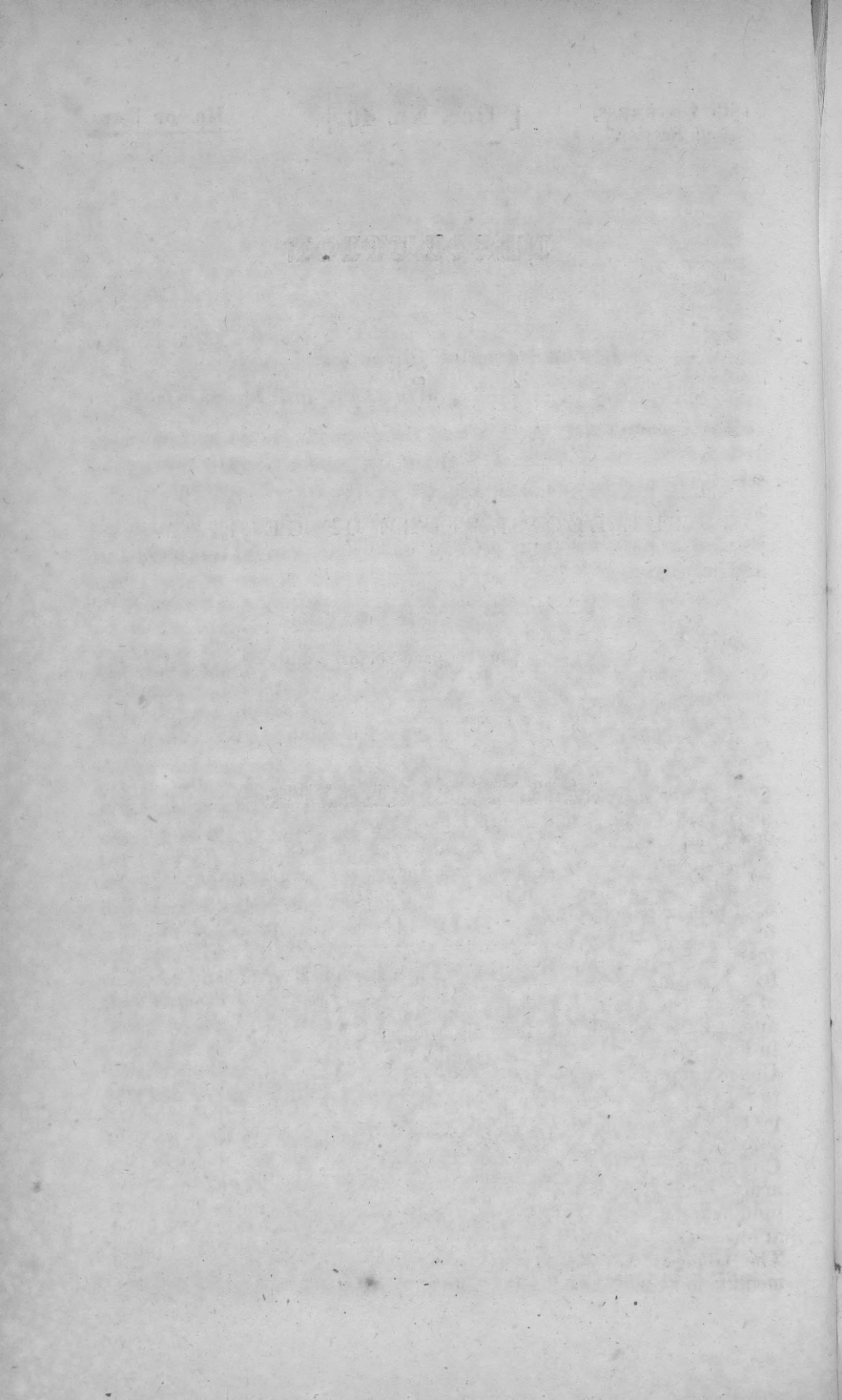
Referred to the Committee on Military Affairs.

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WASHINGTON :

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1827.



IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 13th December, 1826.

The Committee on the State of the Republic, to whom was referred the petition of Colonel William Melton, for himself and others who performed certain militia services in the years ninety-two, three, and four, on the frontiers of Georgia, and praying compensation for the same, have had said petition under their careful consideration, and beg leave to

REPORT :

The claim belongs to that class of cases, emphatically called the Georgia Militia Claims, and which have so often been presented to the General Government for satisfaction. Your committee believe it to be a just claim, but as firmly believe the obligation for its discharge rests with the General Government.

The refusal to satisfy these claims cannot but be a matter of regret, if not surprise, to Georgia. If there is any one consideration more than another, that entitles the Federal Government to our respect and admiration, it is the uniform good faith with which it has always complied with its pledges ; indeed it is proverbial for this estimable trait, and the unbounded credit which it sustains in all its monied transactions, affords ample proof of the fact. But your committee are constrained to believe that, in the instance of these claims, there is a departure from this elevated and wonted character, doubtless resulting not from design, but from an improper understanding of their true merits. Georgia was one of the first States that readily and heartily entered into the Union under the present Federal Constitution, adopted, as will be recollected, in the year 1787. In that Constitution, the States yielded the right to the General Government to regulate and conduct the whole military force of the Union, and especially to "call forth the *militia* to execute the laws of the Union, to suppress insurrections, and *repel invasions*." This was not all, the Constitution tied up the hands of the States from the hostile use of arms, or the engaging "in war, unless *actually invaded*, or in such imminent danger as will not admit of delay"—by which every one must at once perceive there was an undoubted pledge to protect the States. The General Government was to *repel invasions* ; but when her immediate aid could not be had, and the necessity of defence became so

urgent as to admit of no delay, then the States were authorized to fight for themselves ; but it must be obvious the General Government could not be released from the obligation to pay the expenses, as well when the States, from inevitable necessity, were compelled to protect themselves, as when the invasions were repelled by the General Government itself. Protection was due from her by contract : the allowing the States to do it, in particular instances, was only a modification of the *manner* of affording that protection, leaving her still bound to discharge the cost. The situation of the States, especially the frontier ones, rendered them peculiarly liable to invasions ; and from the then recent troubles, as well as the character of the enemy from which invasion might be expected, there can be but little doubt that the very case, upon which these claims are founded, was fully in the eye of the Convention when the Constitution was framed.

From the moment of the adoption of this Constitution, while many of the States, from their internal situation, were rapidly improving in population and wealth, the State of Georgia, as every one knows, was subjected to a constant harassing invasion from this exterminating enemy. The growth of the State was retarded, the progress of improvement was arrested, the arts of industry were suspended, and the whole frontier, four hundred miles in extent, presented a scene of the most heart-chilling massacres and desolating ravages. These bloody and waste-laying depredations could no longer be repelled by the voluntary exertions of the frontier settlers, who alone, for years, without the aid of either State or General Government, withstood these destructive incursions, and had, nevertheless, greatly extended the settlements of the country. At length a crisis arrived when the frontier had to be abandoned, or defended by a different force from that which had constituted its former support, and in the year ninety-two, but five years after the Federal Government had guaranteed protection against invading enemies, the State of Georgia was constrained to call out her militia, not only under the express authority of that instrument, as contained within the exception above expressed, but by the explicit and now well established direction of General Washington, then President of the United States. Every one knows this militia was composed of poor men ; they were in constant and highly useful service ; they were so long in service as to lose the means of support by their honest labor, and their families were deprived of the supplies which usually result from farming pursuits. These are the facts that constitute the claim of the Georgia militia.

There is something peculiarly hard in taking from a State the right to use its military force, except in certain cases, compel the State to contribute to the maintenance of that force under the direction of the Government, and in a few years, after having pledged the National faith to give protection, to see that State suffer the most unspeakable injuries from murderous invasions, and refuse her satisfaction for repelling them with her own force, and that force used, too, by every right that could sanctify its exercise. It is this view of the case which authorized your committee to intimate the appearance of a want of

good faith on the part of the General Government ; not, however, designing to charge the same as by any means wilful or intentional. Your committee, therefore, recommend the following resolution :

*Resolved*, That Congress be respectfully requested to take the Georgia Militia Claims once more under their serious consideration, and to afford the relief which seems, as Georgia would with great deference allege, to be so justly due to those individuals who defended the frontier of this State against the invasions of the Indians, at a time when the emergency would not admit of delay, and when the General Government was not prepared to afford the support and protection contemplated by the Constitution, but was afterwards approved and confirmed by them ; and that his excellency the Governor be requested to take measures to have this application submitted to Congress.

IRBY HUDSON, *Speaker*.

Attest,

WM. C. DAWSON, *Clerk*;

In the Senate, read and concurred in, Saturday, 16th December, 1826.

THOMAS STOCKS, *President*.

Attest,

WM. Y. HANSELL, *Secretary*.

Approved, 20th December, 1826.

G. M. TROUP, *Governor*.



